

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OUMAROU BOCOUM,

Plaintiff,

-V-

DAIMLER TRUCKS NORTH AMERICA LLC and  
ZF ACTIVE SAFETY AND ELECTRONICS US LLC,  
  
Defendants.

17 Civ. 7636 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Attached to this order is the Court's current draft of *voir dire* questions for prospective jurors. The parties should be prepared to address any objections to the proposed questions at the final pretrial conference scheduled for October 17, 2023, at 10:00 a.m.

SO ORDERED.

Dated: October 16, 2023  
New York, New York

*T. P. C.*

JOHN P. CRONAN  
United States District Judge



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### **Questions for Potential Jurors**

Please indicate if your answer to any of the following questions is “yes.” If you would prefer not to give your answer in open court, please say so.

#### **Part 1: General Juror Questionnaire**

1. Do you have any personal knowledge of the allegations as I have described them to you?
2. Have you seen or read anything about this case?
3. Is there anything about the nature of this case that would cause you to be unable to render a fair and impartial verdict?
4. I am now going to introduce you to the parties and their lawyers. The plaintiff in this case is Oumarou Bocoum. Do you, or to your knowledge does a family member or close friend, know Mr. Bocoum?
5. I will refer to Mr. Bocoum as the plaintiff. The plaintiff is represented by Nicholas Timko, an attorney with the law firm of Kahn Gordon Timko & Rodriques. Do you, or to your knowledge does a family member or a close friend, know Mr. Timko or anyone at Kahn Gordon Timko & Rodriques?
  - a. Have you, or to your knowledge has a family member or close friend, ever been employed by Mr. Timko or Kahn Gordon Timko & Rodriques?
  - b. Have you, or to your knowledge has a family member or close friend, had any dealings with Mr. Timko or Kahn Gordon Timko & Rodriques?
6. Mr. Bocoum was employed by Pionna Transport. Have you, or to your knowledge has a family member or a close friend, ever been employed by or otherwise affiliated with Pionna Transport?
7. The defendants in this action are Daimler Truck North America LLC, which designed and

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assembled the truck the plaintiff was driving, and ZF Active Safety and Electronics US LLC, which designed and manufactured the truck's steering gear. Have you, or to your knowledge has a family member or a close friend, ever been employed by or otherwise affiliated with either of the defendants?

8. Daimler Truck North America is being represented by Robert Hanlon, Jr., and Robert Cook, who are attorneys at the law firm of Goldberg Segalla.

- a. Do you, or to your knowledge does a family member or a close friend, know Mr. Hanlon, Mr. Cook, or anyone at Goldberg Segalla?
- b. Have you, or to your knowledge has a family member or close friend, ever been employed by Mr. Hanlon, Mr. Cook, or anyone at Goldberg Segalla?
- c. Have you, or to your knowledge has a family member or close friend, had any dealings with Mr. Hanlon, Mr. Cook, or anyone at Goldberg Segalla?

9. ZF Active Safety and Electronics is being represented by Philip McDaniel and Jack Little, Jr., who are attorneys with the law firm of Weinstein Tippetts & Little, as well as by Keith Gibson, who is an attorney with the law firm of Littleton Park Joyce Ughetta & Kelly.

- a. Do you, or to your knowledge does a family member or a close friend, know Mr. McDaniel, Mr. Little, or anyone at Weinstein Tippetts & Little?
- b. Have you, or to your knowledge has a family member or close friend, ever been employed by Mr. McDaniel, Mr. Little, or anyone at Weinstein Tippetts & Little?
- c. Have you, or to your knowledge has a family member or close friend, had any dealings with Mr. McDaniel, Mr. Little, or anyone at the law firm of Weinstein Tippetts & Little?
- d. Do you, or to your knowledge does a family member or a close friend, know Mr.

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Gibson or anyone at Littleton Park Joyce Ughetta & Kelly?

- e. Have you, or to your knowledge has a family member or close friend, ever been employed by Mr. Gibson or anyone at Littleton Park Joyce Ughetta & Kelly?
- f. Have you, or to your knowledge has a family member or close friend, had any dealings with Mr. Gibson or anyone at Littleton Park Joyce Ughetta & Kelly?

10. I will list the potential witnesses in this case, in addition to the plaintiff, Mr. Bocoum, himself:

- a. Jose Gonzalez, who works for Pionna Transport
- b. Ray Salazar, who works for Pionna Transport
- c. Jose Cabrera, who works for Pionna Transport
- d. Christopher Rieflin, who works for Daimler Truck North America
- e. Bruce Noah, who works for ZF Active Safety and Electronics
- f. Michael Tucker, who is a Trooper with the Massachusetts State Police
- g. Theresa Emerson, who is an emergency medical technician in Massachusetts
- h. David Foote, who is an emergency medical technician in Massachusetts
- i. Kyle William Phelps, who is a Fire Chief with the Greenfeld, Massachusetts Fire Department
- j. Adam Leonczyk, who is a Trooper with the Massachusetts State Police
- k. John Zellman, who is a Fire Chief with the Turners Falls, Massachusetts Fire Department
- l. Jason Welch, who is a Trooper with the Massachusetts State Police
- m. Dr. Salvatore Lenzo, who is an orthopedic surgeon
- n. Frank Grate, who is an engineer
- o. Robert McElroy, who is an industrial safety engineer

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- p. Nicholas Durisek, who is an automotive engineering consultant
- q. Timothy Cheek, who is an engineer

Do you, or to your knowledge does a family member or a close friend, know any of the individuals I just named?

11. During this trial, I will be assisted by several court employees, including Meghan Henrich, who is the Courtroom Deputy, and by my law clerks, Michael Avi-Yonah, Sarah Best, and Daniel Harper. Do you, or to your knowledge does any family member or close friend, know Ms. Henrich, Mr. Avi-Yonah, Ms. Best, Mr. Harper, or me?
12. As you look around the room, do you recognize anyone you know?
13. Have you, or to your knowledge has any family member or close friend, ever been injured in or witnessed a serious motor vehicle crash?
14. Have you ever experienced what you considered were safety problems with a motor vehicle?
15. Have you, or to your knowledge has any family member or close friend, ever been injured because of an unsafe product?
16. Have you, or to your knowledge has any family member or close friend, ever suffered a hand injury?
17. Have you, or to your knowledge has any family member or close friend, ever owned or driven a Freightliner brand vehicle?
  - a. If so, have you, or to your knowledge has any family member or close friend, had an experience with that Freightliner brand vehicle—either good or bad—that would prevent you from being a fair and impartial juror in this case?
18. Have you ever owned or operated a heavy truck or truck tractor?
19. Have you, or to your knowledge has any family member or close friend, ever owned or used a

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product manufactured by Daimler Truck North America LLC?

- a. If so, have you, or to your knowledge has any family member or close friend, had an experience with that product—either good or bad—that would prevent you from being a fair and impartial juror in this case?

20. Have you, or to your knowledge has any family member or close friend, ever owned or used a product manufactured by ZF Active Safety and Electronics?

- a. If so, have you, or to your knowledge has any family member or close friend, had an experience with that product—either good or bad—that would prevent you from being a fair and impartial juror in this case?

21. Do you, or to your knowledge does any family member or close friend, own stock or any other financial interest in Daimler Truck North America, ZF Active Safety and Electronics, or any other vehicle manufacturer or vehicle component manufacturer?

22. Have you, or to your knowledge any family member or close friend, ever been employed by a manufacturer of automobiles or their component parts?

23. The function of the jury is to decide questions of fact. However, when it comes to the law, you must listen to my instructions and accept and apply the law as I explain it. Do you have any hesitation or unwillingness to apply the law as I explain it even if you disagree with it?

24. Would you have any difficulty following my instruction that you may not substitute your own notions of what the law is or what you think it should be?

25. You may hear testimony in this case from expert witnesses. I will instruct you that an expert's testimony is not entitled to any greater weight or lesser weight than the testimony of any other witness. Would you have difficulty following that instruction?

26. You also may hear testimony from law enforcement witnesses. Would you be more likely to

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believe a witness merely because he or she is a member of a law enforcement agency?

27. Would you be less likely to believe a witness merely because he or she is a member of a law enforcement agency?
28. Do you have any bias, sympathy, religious beliefs, or any other concern that may prevent you from rendering a fair and impartial verdict based solely on the facts and law?
29. Have you ever studied or practiced law or worked in any capacity for a law office?
30. Do you have any opinions, positive or negative, about lawyers, judges, or the courts that may prevent you from rendering a fair and impartial verdict in this case?
31. Are you now under subpoena or, to your knowledge, about to be subpoenaed in any case?
32. Have you ever been a party, either as a plaintiff or a defendant, in a lawsuit?
33. Have you ever been a witness in a state or federal court case?
34. Do you have any reservations about discussing your opinions with other people?
35. Do you have reservations about sitting in judgment of others?
36. Do you have any problem with someone using the legal system to seek damages for what that person believes is a violation of law?
37. If you find that the plaintiff has failed to meet his burden of proof, would you be unable to return a verdict in favor of the defendants?
38. If you find that the plaintiff has met his burden of proof, would you be unable to return a verdict in favor of the plaintiff?
39. Do you believe that simply because the plaintiff has brought this lawsuit, it must mean that he deserves to recover damages?
40. Do you believe that simply because the defendants have been sued, they are probably liable?
41. Do you have any problem with the concept that a person who brings a lawsuit is entitled to



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damages only if that person proves his or her case?

42. Do you have any problem with your hearing or vision that would prevent you from giving attention to all the evidence at this trial?
43. Do you have any difficulty in understanding or reading English?
44. Do you have any medical problem, are you taking any medication, or do you suffer from any condition that might interfere with your service as a juror in this case or make it difficult for you to give the case your full attention?
45. The purpose of these questions has been to try to identify any possible reasons why you might not be able to sit as a fair and impartial juror. But only you know whether there is some other matter that I did not mention that I should have asked about. Aside from the questions that I have already asked, is there anything else that might prevent you from being a fair and impartial juror in this case?

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**Part 2: Individual Juror Questionnaire**

1. What is your city, town or village, and county of residence?
2. How long have you lived at that residence?
  - a. If less than ten years, where did you live before that?
3. How far did you go in school?
  - a. What have been your areas of study?
  - b. What degrees have you received?
4. Are you employed?
  - a. If so what, what is your occupation?
  - b. Who is your employer and where do you work?
  - c. How long have you had that job?
  - d. What previous jobs have you had in the past ten years?
  - e. If you are retired, what position did you hold before retirement?
5. Do you currently or have you ever served in the military?
6. What is your marital status?
  - a. If you are married, what is your spouse's educational background and current employer?
7. Are there other adults in your household?
  - a. If so, what do they do?
  - b. If they are retired, what did they do before retirement?
8. Do you have children?
  - a. If so, how old are they?
  - b. If they are adults, what do they do?

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9. Are you a member of any organizations?
  - a. If so, which ones?
10. What are the sources, if any, from which you learn the news?
11. What radio stations, podcasts, and television programs do you regularly tune in to?
12. What do you like to do in your spare time?
13. Have you previously served on the jury, whether in a civil or criminal trial, or as a grand juror?
  - a. If so, how many times have you served as a juror?
  - b. For each time you have served as a juror:
    - i. Was the case criminal or civil?
    - ii. Did the jury reach a verdict? (Please do not tell me what the verdict was.)